

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Helmut Jerg
Application Number: 10/575,035
Filing Date: April 7, 2006
Group Art Unit: 1714
Examiner: Eric W. Golightly
Title: DISHWASHER WITH VARIABLE HEAT DAMPING

Mail Stop Appeal Brief - Patents
Commissioner for Patents
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REPLY BRIEF

In reply to the Examiner's Answer dated March 16, 2011, Appellant submits this Reply Brief under 37 C.F.R. §41.41.

With reference to the Examiner's Answer, in the "Response to Argument" section, the Examiner for the first time acknowledges that the heat conductivity of the heat insulation panel in DE '567 is not dependent or only slightly so upon the gas pressure in the vacuum heat insulation panel. In this context, the Examiner contends that "[i]t is not patentably significant if the pressure dependency is 'slight' . . . since 'slight dependence' reads on 'dependence.'" The independent claims, however, in fact define the nature of the dependence on the pressure in the capsule. For example, claim 37 recites that the heat damping layer is configured such that heating of the capsule has the effect that the hydrogen previously bound in the metal hydride grid is released, the pressure in the capsule increases, and the thermal conductivity of at least one of the capsule and the entire heat damping layer is increased. In this context, since DE '567 describes that its thermal conductivity has little or no dependence on the gas pressure in the vacuum heat insulation panel, it follows that any "heat damping

layer” in DE ‘567 is not correspondingly configured. In a similar context, claim 37 recites that the heat damping layer is configured such that cooling of the capsule has the effect that the free hydrogen is resorbed with the metal hydride grid in a chemical compound, the pressure in the capsule drops, and the thermal conductivity of at least one of the capsule and the entire heat damping layer is decreased. As noted, since DE ‘567 describes that the heat conductivity of the heat insulation material is at best slightly dependent on the gas pressure in the vacuum heat insulation panel, it follows that any corresponding “heat damping layer” in DE ‘567 is not configured in the same manner as that defined according to the claimed invention.

The other independent claims define related subject matter. In particular, claim 32 similarly defines the configuration of the heat damping layer, and recites that the heat dampening layer is disposed at the relatively lower thermal conductivity value by cooling the capsule and dropping the pressure in the capsule such that the thermal energy built up in the washing container is substantially preserved in the washing container. Similarly, disposing the heat damping layer at the relatively higher thermal conductivity value is performed by heating the capsule and increasing the pressure in the capsule such that at least some of the thermal energy present in the washing container succeeds to the surroundings via the heat damping layer. As discussed, since the heat conductivity is at best only slightly dependent on the gas pressure in the vacuum heat insulation panel, DE ‘567 similarly falls short of the claimed methodology. Independent claims 40 and 41 similarly define the configuration of the heat damping layer.

With further regard to independent claim 40, the Examiner’s Answer recognizes that DE ‘882 and DE ‘567 are silent with regard to a sound damping layer surrounding the washing container. Claim 40 recites that the dishwasher includes a sound-damping layer surrounding the washing container, where the heat damping layer is disposed between the sound damping layer and the walls of the washing container. As recognized in the Examiner’s Answer, however, Tilton describes a sound damping layer that is fit snugly around the walls of the dishwasher to eliminate gaps between the layer and the dishwasher

walls. As would be apparent to those of ordinary skill in the art, by interposing a heat damping layer between the sound damping layer described in Tilton and the machine walls, the sound dampening qualities of the Tilton structure would be substantially hindered. Moreover, such a modification directly contrasts express structure described in Tilton wherein the sound dampening layer fits snugly to eliminate gaps and acoustical leaks.

For the reasons discussed herein and in the Appeal Brief, reversal of the rejections is respectfully requested.

Respectfully submitted,

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